



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

SDMS Document ID

1022533

Ref: 8ENF-T

NOV 25 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Pax Company
c/o Mr. Gary Ashley
580 West 13th South
Salt Lake City, UT 84115

Re: Request For Information Pursuant to
Section 104 of CERCLA for the
Vasquez Boulevard/I-70 Site
Denver, CO

Dear Mr. Ashley:

This letter seeks your cooperation in providing information and documents that may contribute to EPA's understanding in regard to activities, materials and parties that may have contributed to contamination at the Vasquez Boulevard/I-70 Site located in Denver, CO. Based upon preliminary inquiry we believe you may, as a former distributor of a commercially distributed herbicide product, have information which may be helpful in regard to this Site.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto.

As you may be aware, EPA is currently conducting Emergency Response actions at the Site due to elevated levels of arsenic in residential soils. EPA is also evaluating the site in order to determine whether additional remedial actions are needed. While EPA seeks your voluntary cooperation in this investigation, compliance with this Information Request is required by law. We encourage you to give this matter your prompt attention and that you provide a complete and truthful response to this Information Request within 14 days of your receipt of this letter. Failure to provide a complete and truthful response to this Information Request may subject you to civil or criminal penalties under federal law. Instructions for completing this Information Request are included in Enclosure 1. If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim, and must separately address the points outlined in Enclosure 1, for each document.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C.



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§ 3501 et seq.

Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Gregory J. Phoebe
Technical Enforcement Program
999 18th Street, Suite 500
Denver, Colorado 80202-2466

If you have any additional questions in regard to this Information Request please contact Mr. Phoebe at (303)312-6466 or Mr. Matthew Cohn, Legal Enforcement Program at (303)312-6853.

Thank you for your cooperation in this matter.

Sincerely,



Sharon Kercher
Program Director
Office of Enforcement Compliance
and Environmental Justice

Enclosures

cc: Bonnie Lavelle, 8EPR-SR
Greg Phoebe, 8ENF-T
Matthew Cohn, 8ENF-T
Sharon Abendschan, 8ENF-T



VASQUEZ BOULEVARD/I-70 SITE

FIRST INFORMATION REQUEST

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties. For each question contained in this letter, if information responsive to this information request is not in your possession, custody or control, please identify the person(s) from whom such information may be obtained.

2. Number Each Answer. Please indicate at the beginning of each answer the number of the question to which the answer corresponds. Please type or print clearly.

3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.

4. Identify Sources of Answers. For each question, identify (See Definitions) all the persons and documents you relied on in producing your answers.

5. Submit Documents with Labels Keyed to Question. For each question, please identify all documents consulted in the preparation of the answer. If for any reason you are withholding any documents that may be responsive to this Information Request, identify the document(s) and state your basis for withholding the document(s).

6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.

7. Complete a Notarized Certificate. You are required to complete a Notarized Certificate that certifies that the information you are providing in response to this Information Request is true, accurate, and complete. A sample format is included as Enclosure 2.



8. Confidential Information The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 U.S.C. 9604(e)(7)(E) and F, Section 3007(b) of RCRA, 42 U.S.C. 6927(b), and 40 CFR 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg. 51,661 (1985)). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. To prove your claim of confidentiality, each document must separately address the following points:

1. The portions of the information alleged to be entitled to confidential treatment;
2. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. Measures taken by you to guard against the undesired disclosure of the information to others;
4. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful



effects.

9. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractor list Contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.



QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify the documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide accurate copies of all such documents.
4. Designate an individual who respondent wishes to receive all future correspondence concerning this Site. Please indicate that individual's name, address and telephone number.
5. Furnish a detailed listing of the chemical composition and formulation of the product named "PAX 400".
6. Detail for what purpose and during what dates the product "PAX 400" was formulated and sold.
7. Provide a listing of "PAX 400" distributors in the Denver, CO area and the time frame(s) those parties acquired "PAX 400" (include names and addresses of these distributors). Additionally, provide any other information you may have as to the historical use and distribution of the "PAX 400" product in the Denver, CO area.
8. If Respondent has or can acquire a sample (approximately six ounces) of each formulation of "PAX 400", so state, and arrange with EPA for delivery of the subject material for analysis. Additionally, furnish a list of current PAX Company products.
9. If "PAX 400" is a discontinued product, please detail the reason for its discontinuation and furnish any advisory or precautions issued relative to the use of this product. Additionally, provide any reports or documents which you have in regard to "PAX 400".



NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by _____ to respond to the Environmental Protection Agency's (EPA's) request for information concerning the Vasquez Boulevard/I-70 Site located in Denver, CO.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to EPA's request is true, accurate, and complete and contains all information and documents responsive to the request.

(SEAL)

(Signature) (Name, Title)

Subscribed and sworn to me
this ____ day of ____,
1998.

Notary Public

My Commission Expires _____
My address is _____

